

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:18-cv-02150-ABJ**

ELECTRONIC PRIVACY INFORMATION CENTER v. U.S.  
NATIONAL ARCHIVES AND RECORDS  
ADMINISTRATION

Assigned to: Judge Amy Berman Jackson

Case: 1:18-cv-02143-RDM

Cause: 05:552 Freedom of Information Act

**Plaintiff**

**ELECTRONIC PRIVACY  
INFORMATION CENTER**

Date Filed: 09/17/2018

Jury Demand: None

Nature of Suit: 895 Freedom of  
Information Act

Jurisdiction: U.S. Government Defendant

represented by **Alan Jay Butler**  
ELECTRONIC PRIVACY  
INFORMATION CENTER  
1718 Connecticut Avenue, NW  
Suite 200  
Washington, DC 20009  
(202) 483-1140 ext 103  
Fax: (202) 483-1248  
Email: [butler@epic.org](mailto:butler@epic.org)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Marc Rotenberg**  
ELECTRONIC PRIVACY  
INFORMATION CENTER  
1718 Connecticut Avenue, NW  
Suite 200  
Washington, DC 20009  
(202) 483-1140, ext 106  
Fax: (202) 483-1248  
Email: [rotenberg@epic.org](mailto:rotenberg@epic.org)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**U.S. NATIONAL ARCHIVES AND  
RECORDS ADMINISTRATION**

represented by **Elizabeth J. Shapiro**  
U.S. DEPARTMENT OF JUSTICE  
Civil Division, Federal Programs Branch  
1100 L Street, NW  
Washington, DC 20530  
(202) 514-5302  
Fax: (202) 616-8470  
Email: [Elizabeth.Shapiro@usdoj.gov](mailto:Elizabeth.Shapiro@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Michael Hendry Baer**  
U.S. DEPARTMENT OF JUSTICE  
Civil Division, Federal Programs Branch  
1100 L Street, NW  
Washington, DC 20530  
(202) 305-8573  
Fax: (202) 616-8470  
Email: [michael.h.baer@usdoj.gov](mailto:michael.h.baer@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Stephen M. Pezzi**

U.S. DEPARTMENT OF JUSTICE  
 Civil Division, Federal Programs Branch  
 1100 L Street, NW  
 Washington, DC 20530  
 (202) 305-8576  
 Fax: (202) 616-8470  
 Email: [stephen.pezzi@usdoj.gov](mailto:stephen.pezzi@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
09/17/2018	<u>1</u>	COMPLAINT against U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION ( Filing fee \$ 400 receipt number 0090-5692537) filed by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons U.S. National Archives and Records Administration, # <u>3</u> Summons U.S. Attorney for the District of Columbia, # <u>4</u> Summons Attorney General of the United States)(Butler, Alan) (Entered: 09/17/2018)
09/18/2018	<u>2</u>	NOTICE OF RELATED CASE by ELECTRONIC PRIVACY INFORMATION CENTER. Case related to Case No. 18-2143. (Butler, Alan) (Entered: 09/18/2018)
09/18/2018	<u>3</u>	NOTICE of Appearance by Marc Rotenberg on behalf of ELECTRONIC PRIVACY INFORMATION CENTER (Rotenberg, Marc) (Entered: 09/18/2018)
09/18/2018	<u>4</u>	Corporate Disclosure Statement by ELECTRONIC PRIVACY INFORMATION CENTER. (Butler, Alan) (Entered: 09/18/2018)
09/20/2018		Case Assigned to Judge Randolph D. Moss. (zrdj) (Entered: 09/20/2018)
09/20/2018	<u>5</u>	SUMMONS (3) Issued Electronically as to U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zrdj) (Entered: 09/20/2018)
09/20/2018	<u>6</u>	WITHDRAWN PURSUANT TO ORDER FILED 09/28/18.....MOTION for Preliminary Injunction by ELECTRONIC PRIVACY INFORMATION CENTER (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E, # <u>8</u> Exhibit F, # <u>9</u> Exhibit G, # <u>10</u> Exhibit H, # <u>11</u> Exhibit I, # <u>12</u> Exhibit J, # <u>13</u> Exhibit K)(Rotenberg, Marc) Modified on 9/28/2018 (zjth). (Entered: 09/20/2018)
09/20/2018	<u>7</u>	Case reassigned to Judge Amy Berman Jackson. Judge Randolph D. Moss is no longer assigned to the case. (rj) (Entered: 09/21/2018)
09/21/2018	<u>8</u>	NOTICE of Appearance by Stephen M. Pezzi on behalf of U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (Pezzi, Stephen) (Entered: 09/21/2018)
09/24/2018		Minute Entry for proceedings held before Judge Amy Berman Jackson: Telephone Conference Call held in Chambers on 9/24/2018. (No Court Reporter) (jth) (Entered: 09/24/2018)
09/24/2018		MINUTE ORDER. For the reasons discussed during the telephonic status conference held on this date, the parties must submit a joint status report by September 28, 2018 at 2:00 PM putting forth an agreed upon processing and production schedule, and their positions on whether the <u>6</u> pending preliminary injunction motion should be consolidated with the merits or deemed to be moot. SO ORDERED. Signed by Judge Amy Berman Jackson on 09/24/2018. (lcabj3) (Entered: 09/24/2018)
09/24/2018	<u>9</u>	NOTICE of Appearance by Elizabeth J. Shapiro on behalf of All Defendants (Shapiro, Elizabeth) (Entered: 09/24/2018)
09/28/2018	<u>10</u>	Joint STATUS REPORT by U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION. (Pezzi, Stephen) (Entered: 09/28/2018)

09/28/2018	<u>11</u>	ORDER. Plaintiff's motion for a preliminary injunction, <u>6</u> , has been terminated since it was withdrawn. See Joint Status Report <u>10</u> . The Court hereby adopts the parties' proposed schedule set forth in the joint status report. Id. The parties are directed to file a joint report on October 4, 2018, informing the Court of the status of the efforts included in Phase I. See ORDER for details. Signed by Judge Amy Berman Jackson on 09/28/2018. (lcabj3) (Entered: 09/28/2018)
10/01/2018	<u>12</u>	NOTICE of Change of Address by Stephen M. Pezzi (Pezzi, Stephen) (Entered: 10/01/2018)
10/04/2018	<u>13</u>	Joint STATUS REPORT by U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION. (Pezzi, Stephen) (Entered: 10/04/2018)
10/05/2018		MINUTE ORDER. The parties must file an updated joint status report by October 12, 2018. Signed by Judge Amy Berman Jackson on 10/05/2018. (lcabj3) (Entered: 10/05/2018)
10/12/2018	<u>14</u>	Joint STATUS REPORT by U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION. (Pezzi, Stephen) (Entered: 10/12/2018)
10/12/2018		MINUTE ORDER. In light of the parties' joint status report <u>14</u> , it is ORDERED that the parties shall file another joint status report by October 26, 2018. Signed by Judge Amy Berman Jackson on 10/12/18. (DMK) (Entered: 10/12/2018)
10/12/2018		Set/Reset Deadlines: The parties shall file another joint status report by 10/26/2018. (jth) (Entered: 10/12/2018)
10/25/2018	<u>15</u>	NOTICE of Appearance by Michael Hendry Baer on behalf of All Defendants (Baer, Michael) (Entered: 10/25/2018)
10/26/2018	<u>16</u>	Joint STATUS REPORT by ELECTRONIC PRIVACY INFORMATION CENTER. (Butler, Alan) (Entered: 10/26/2018)
10/30/2018		MINUTE ORDER. The parties must file an updated joint status report by November 30, 2018. SO ORDERED. Signed by Judge Amy Berman Jackson on 10/30/2018. (lcabj3) (Entered: 10/30/2018)
11/21/2018	<u>17</u>	ANSWER to Complaint by U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION.(Baer, Michael) (Entered: 11/21/2018)
11/30/2018	<u>18</u>	Joint STATUS REPORT by U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION. (Baer, Michael) (Entered: 11/30/2018)
12/10/2018	<u>19</u>	ORDER. The Court hereby adopts the parties' proposed schedule set forth in the November 30, 2018 joint status report <u>11</u> . The parties are directed to file a joint report on March 29, 2019, informing the Court of the status of the efforts included in Phase I. See Order for details. SO ORDERED. Signed by Judge Amy Berman Jackson on 12/10/2018. (lcabj3) (Entered: 12/10/2018)
12/26/2018	<u>20</u>	Consent MOTION to Stay <i>All Proceedings in Light of Lapse in Appropriations</i> by U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (Pezzi, Stephen) (Entered: 12/26/2018)
12/26/2018		MINUTE ORDER granting <u>20</u> Consent Motion to Stay. Defendant must inform the Court at such time as the stay can be lifted and must propose any necessary changes in the existing schedule. SO ORDERED. Signed by Judge Amy Berman Jackson on 12/26/2018. (lcabj3) (Entered: 12/26/2018)
01/28/2019	<u>21</u>	NOTICE to the Court of Restoration of Appropriations by U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (Pezzi, Stephen) (Entered: 01/28/2019)
01/28/2019		MINUTE ORDER. The parties must submit a joint report with a revised schedule for further proceedings by February 1, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 01/28/2019. (lcabj3) (Entered: 01/28/2019)
01/28/2019		MINUTE ORDER. In light of the resumption of government operations <u>21</u> , the stay in this case is hereby lifted. SO ORDERED. Signed by Judge Amy Berman Jackson on 01/28/2019. (lcabj3) (Entered: 01/28/2019)

01/31/2019	<u>22</u>	Joint STATUS REPORT by U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION. (Pezzi, Stephen) (Entered: 01/31/2019)
01/31/2019		MINUTE ORDER. At the parties' request, NARA's January 20, 2019 processing deadline is extended to February 15, 2019. Otherwise the existing schedule entered in this case <u>19</u> remains the same and the parties must file a joint status report on March 29, 2019, informing the Court of the status of the efforts included in Phase I. SO ORDERED. Signed by Judge Amy Berman Jackson on 01/31/2019. (lcabj3) (Entered: 01/31/2019)
03/29/2019	<u>23</u>	Joint STATUS REPORT by ELECTRONIC PRIVACY INFORMATION CENTER. (Butler, Alan) (Entered: 03/29/2019)
04/02/2019		MINUTE ORDER. At the parties' request, the Court adopts the following schedule: On or before April 30, 2019, NARA will process all Phase II emails, as agreed upon by the parties, containing the term "National Security Agency." The parties will meet and confer to discuss a further revised schedule for the processing of the remaining Phase II emails, and will submit any revised scheduling proposal to the Court no later than May 7, 2019. In the absence of any revised schedule, NARA will process the remaining Phase II emails at a rate of 1,000 per month, starting on May 7, 2019. The parties also agree that the Phase III schedule for the processing of textual records described in the Court's December 10, 2018 Order, shall remain in effect. See Order <u>19</u> . SO ORDERED. Signed by Judge Amy Berman Jackson on 04/02/2019. (lcabj3) (Entered: 04/02/2019)
05/05/2019		Set/Reset Deadlines: The parties will meet and confer to discuss a further revised schedule for the processing of the remaining Phase II emails, and will submit any revised scheduling proposal to the Court no later than 5/7/2019. (jth) (Entered: 05/05/2019)